

## REMARKS

Applicant respectfully requests reconsideration of the subject application as amended. In response to the office action mailed 07/07/2009, Applicant is filing this amendment. Claims 1, 3, 6, 7, 10, 12, 15 and 16 are pending.

The Examiner has objected to claims 1 and 10 for informalities. Applicant has amended claims 1 and 10 as suggested by the Examiner. Accordingly, Applicant requests the Examiner to withdraw the objections to claims 1 and 10.

The Examiner has rejected claims 1, 3, 6, 7, 10, 12, 15 and 16 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In respect to the noted request for clarification, Applicant has amended the claims to recite a first memory in the first node that is local to the first node and a second memory in a second node that is local to the second node. Applicant submits that this distinction clarifies any ambiguities relating to the previous recitation of “the memory” and “local and remote memory.” Furthermore, Applicant has amended claims 7 and 16 to recite that the payload and a flag are written to a memory location in a home node when following the producer-consumer protocol. Accordingly, Applicant submits that the claims are no longer indefinite for failing to particularly point out and distinctly claim the subject matter of the invention and Applicant requests the Examiner to withdraw the rejection under 35 U.S.C. §112, second paragraph.

In the office action, the Examiner has rejected pending claims 1, 3, 6, 7, 10, 12, 15 and 16 under 35 U.S.C. §102(b) as being anticipated by Keller et al. (U.S. Patent 6,167,492; “Keller”). Applicant has noted the Examiner’s comments but submits that the amended claims distinguish over Keller. Applicant has amended independent claims 1 and 10 to clearly recite that first memory is local to the first node, wherein the first node supports packet traffic for transfer of packets, coherent traffic to access the first memory and non-coherent traffic to communicate with input/output (I/O) circuitry, in which the first memory stores cacheable data having global coherency. In addition to the first memory, the first node includes a first processor, a first bridge and a first interface. Further, a second data processing system forming a second node also supports packet

traffic, coherent traffic and non-coherent traffic, in which the second data processing system includes a second processor, a second bridge, a second interface and a second memory that is local to the second node and also having global coherency. The first and second interfaces coupling the first node to the second node are for the transfer of packet traffic, coherent traffic and non-coherent traffic between the first and second nodes. Thus, claims 1 and 10 clearly state the transfer of packet traffic, coherent traffic and non-coherent traffic between the first and second nodes (emphasis added).

Applicant submits that Keller discloses an I/O bridge that is coupled to one or more processing nodes and is configured to generate and transmits a non-coherent memory access transaction (Keller at col. 2, lines 8-11) to at least one processing node where it is transformed into a coherent memory access transaction for transmission to another processing node (Keller at col. 2, lines 14-19). Thus, the link between the nodes of Keller are often referred to as a coherent link whereas the link between a node and an I/O bridge are often referred to as a non-coherent link (Keller at col. 4, lines 39-42).

The embodiments of the invention as claimed by Applicant is just the reverse. The link between the nodes transfers a non-coherent memory access request (uncacheable data access request) from the second node to the first node and this is then converted (processed) in the first node to a coherent access to the first memory. Accordingly, Applicant submits that Keller fails to disclose the embodiments of the invention as recited in claims 1 and 10. If anything, Applicant submits that Keller teaches the opposite of the claimed embodiments of the invention. The above argument is re-iterated for the dependent claims. Accordingly, Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. §102(b) rejection based on Keller.

Additionally, in the office action, the Examiner has rejected claims 1, 3, 6, 7, 10, 12, 15 and 16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. patent 7,424,561. In response, Applicant is submitting a terminal disclaimer with appropriate fee to overcome the non-statutory double patenting rejection. Accordingly, Applicant respectfully requests the Examiner to withdraw the double-patenting rejection.

Accordingly, Applicant solicits the Examiner for the allowance of pending claims 1, 3, 6, 7, 10, 12, 15 and 16, as amended.

If there are any fee shortages related to this response, please charge such fee shortages to Deposit Account No. 50-2126.

Respectfully submitted,

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